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20 *CORPORATION, ACCSTATION INC.,*  
21 *ITRIMMING INC. AND*  
22 *EVERYDAYSOURCE INC.*

23 **UNITED STATES DISTRICT COURT**

24 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

25 APPLE INC., a California corporation,  
26 Plaintiff,

27 CASE NO. CV 10-03216 JF  
28 Honorable Jeremy Fogel

29 v.

30 EFORCITY CORPORATION, a  
31 California corporation; ACCSTATION  
32 INC., a California corporation;  
33 ITRIMMING INC., a California  
34 corporation; EVERYDAYSOURCE  
35 INC., a California corporation;  
36 UNITED INTEGRAL INC., a  
37 California corporation,  
38 CRAZYONDIGITAL, INC., a  
39 California corporation; and  
40 BOXWAVE CORPORATION, a  
41 Nevada corporation; and DOES 1  
42 through 20, inclusive,

43 **DEFENDANTS EFORCITY**  
44 **CORPORATION, ACCSTATION**  
45 **INC. ITRIMMING INC. AND**  
46 **EVERYDAYSOURCE INC.'S**  
47 **ANSWER TO COMPLAINT**

48 Complaint Filed: July 22, 2010  
49 Trial Date: None Set

50 Defendants.

1 Defendants EFORCITY CORPORATION, ACCSTATION, INC.;  
 2 ITRIMMING, INC. and EVERYDAYSOURCE, INC. (collectively referred to as  
 3 "Defendants" or the "EFORCITY Defendants") hereby answer the Complaint filed  
 4 by Plaintiff APPLE, INC. ("Plaintiff") for Patent Infringement, Trademark  
 5 Infringement and Unfair Competition ("Complaint") as follows:

6 **INTRODUCTION**

7 1. Answering paragraph 1 of the Complaint, Defendants lack sufficient  
 8 information to admit or deny the allegations contained therein and on that basis,  
 9 deny each and every allegation contained therein.

10 2. Answering paragraph 2 of the Complaint, Defendants lack sufficient  
 11 information and belief to answer the allegations contained therein, and on that basis,  
 12 deny the allegations in paragraph 2.

13 3. Answering paragraph 3 of the Complaint, Defendants lack sufficient  
 14 information and belief to answer the allegations contained therein, and on that basis,  
 15 deny the allegations in paragraph 3.

16 4. Answering paragraph 4 of the Complaint, Defendants lack sufficient  
 17 information and belief to answer the allegations contained therein, and on that basis,  
 18 deny the allegations in paragraph 4.

19 5. Answering paragraph 5 of the Complaint, Defendants deny the  
 20 allegations contained therein.

21 **PARTIES**

22 6. Answering paragraph 6 of the Complaint, Defendants lack sufficient  
 23 information and belief to answer the allegations contained therein, and on that basis,  
 24 deny the allegations in paragraph 6.

25 7. Answering paragraph 7 of the Complaint, Defendants admit the  
 26 allegations contained therein.

27 8. Answering paragraph 8 of the Complaint, Defendants admit the  
 28 allegations contained therein.

1       9. Answering paragraph 9 of the Complaint, Defendants admit the  
 2 allegations contained therein.

3       10. Answering paragraph 10 of the Complaint, Defendants admit the  
 4 allegations contained therein.

5       11. Answering paragraph 11 of the Complaint, Defendants lack sufficient  
 6 information and belief to answer the allegations contained therein, and on that basis,  
 7 deny the allegations in paragraph 11.

8       12. Answering paragraph 12 of the Complaint, Defendants lack sufficient  
 9 information and belief to answer the allegations contained therein, and on that basis,  
 10 deny the allegations in paragraph 12.

11       13. Answering paragraph 13 of the Complaint, Defendants lack sufficient  
 12 information and belief to answer the allegations contained therein, and on that basis,  
 13 deny the allegations in paragraph 13.

14       14. Answering paragraph 14 of the Complaint, Defendants lack sufficient  
 15 information and belief to answer the allegations contained therein, and on that basis,  
 16 deny the allegations in paragraph 14.

17       **JURISDICTION AND VENUE**

18       15. Answering paragraph 15 of the Complaint, Defendants admit the  
 19 allegations contained therein.

20       16. Answering paragraph 16 of the Complaint, Defendants admit that  
 21 venue is proper in this district and that they have done business in this district and  
 22 deny the remaining allegations in paragraph 16.

23       **INTRADISTRICT ASSIGNMENT**

24       17. Answering paragraph 17 of the Complaint, Defendants admit the  
 25 allegations contained therein.

26       **FACTUAL ALLEGATIONS**

27       18. Answering paragraph 18 of the Complaint, Defendants lack sufficient  
 28 information and belief to answer the allegations contained therein, and on that basis,  
 4812-5919-7449.1

1 deny the allegations in paragraph 18.

2 19. Answering paragraph 19 of the Complaint, Defendants lack sufficient  
 3 information and belief to answer the allegations contained therein, and on that basis,  
 4 deny the allegations in paragraph 19.

5 20. Answering paragraph 20 of the Complaint, Defendants lack sufficient  
 6 information and belief to answer the allegations contained therein, and on that basis,  
 7 deny the allegations in paragraph 20.

8 21. Answering paragraph 21 of the Complaint, Defendants lack sufficient  
 9 information and belief to answer the allegations contained therein, and on that basis,  
 10 deny the allegations in paragraph 21.

11 22. Answering paragraph 22 of the Complaint, Defendants lack sufficient  
 12 information and belief to answer the allegations contained therein, and on that basis,  
 13 deny the allegations in paragraph 22.

14 23. Answering paragraph 23 of the Complaint, Defendants admit that as of  
 15 July 22, 2010 one or more of them sold products identified as car chargers  
 16 DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10,  
 17 DAPPIPODCC12, DAPPIPODCC13; AV composite cables identified as  
 18 CAPPIPODAT2, CAPPIPODAT4, and CAPPIPODAT5; docking cradles identified  
 19 as DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables identified as  
 20 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 21 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 22 DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08, DOTHXXXXFM15,  
 23 DOTHXXXXFM19, DOTHXXXXFM21, and DOTHXXXXFM22; speaker  
 24 systems identified as DAPPIPODSPK1, chargers identified as CAPPIPHOPHC1;  
 25 backup batteries identified as CAPPIPHOLI02 and CAPPIPHOLI06. Defendants  
 26 deny the remaining allegations contained in paragraph 23 therein.

27 24. Answering paragraph 24 of the Complaint, Defendants admit that as of  
 28 July 22, 2010 one or more of them sold products identified as car chargers

1 DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10,  
 2 DAPPIPODCC12, DAPPIPODCC13; AV composite cables identified as  
 3 CAPPPODAT2, CAPPPODAT4, and CAPPPODAT5; docking cradles identified  
 4 as DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables identified as  
 5 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 6 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 7 DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08, DOTHXXXXFM15,  
 8 DOTHXXXXFM19, DOTHXXXXFM21, and DOTHXXXXFM22; speaker  
 9 systems identified as DAPPIPODSPK1, chargers identified as CAPPIPHOPHC1;  
 10 backup batteries identified as CAPPIPHOLI02 and CAPPIPHOLI06. Defendants  
 11 deny the remaining allegations contained in paragraph 24 therein.

12 25. Answering paragraph 25 of the Complaint, Defendants admit that as of  
 13 July 22, 2010 one or more of them sold products identified as car chargers  
 14 DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10,  
 15 DAPPIPODCC12, DAPPIPODCC12; AV composite cables identified as  
 16 CAPPPODAT2, CAPPPODAT4, and CAPPPODAT5; docking cradles identified  
 17 as DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables identified as  
 18 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 19 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 20 DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08, DOTHXXXXFM15,  
 21 DOTHXXXXFM19, DOTHXXXXFM21, and DOTHXXXXFM22; speaker  
 22 systems identified as DAPPIPODSPK1, chargers identified as CAPPIPHOPHC1;  
 23 backup batteries identified as CAPPIPHOLI02 and CAPPIPHOLI06. Defendants  
 24 deny the remaining allegations contained in paragraph 25 therein.

25 26. Answering paragraph 26 of the Complaint, Defendants admit that as of  
 26 July 22, 2010 one or more of them sold products identified as car chargers  
 27 DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10,  
 28 DAPPIPODCC12, DAPPIPODCC12; AV composite cables identified as

1 CAPPIPODAT2, CAPPIPODAT4, and CAPPIPODAT5; docking cradles identified  
 2 as DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables identified as  
 3 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 4 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 5 DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08, DOTHXXXXFM15,  
 6 DOTHXXXXFM19, DOTHXXXXFM21, and DOTHXXXXFM22; speaker  
 7 systems identified as DAPPIPODSPK1, chargers identified as CAPPIPHOPHC1;  
 8 backup batteries identified as CAPPIPHOLI02 and CAPPIPHOLI06. Defendants  
 9 deny the remaining allegations contained in paragraph 26 therein.

10 27. Answering paragraph 27 of the Complaint, Defendants lack sufficient  
 11 information and belief to answer the allegations contained therein, and on that basis,  
 12 deny the allegations in paragraph 27.

13 28. Answering paragraph 28 of the Complaint, Defendants lack sufficient  
 14 information and belief to answer the allegations contained therein, and on that basis,  
 15 deny the allegations in paragraph 28.

16 29. Answering paragraph 29 of the Complaint, Defendants lack sufficient  
 17 information and belief to answer the allegations contained therein, and on that basis,  
 18 deny the allegations in paragraph 29.

19 30. Answering paragraph 30 of the Complaint, Defendants deny the  
 20 allegations contained therein.

21 **FIRST CLAIM FOR RELIEF**

22 (Infringement of U.S. Patent No. 7,627,343 – Against All Defendants)

23 31. Answering paragraph 31 of the Complaint, Defendants repeat and  
 24 incorporate by reference their responses to paragraphs 1 through 30 of this  
 25 Complaint.

26 32. Answering paragraph 32 of the Complaint, Defendants lack sufficient  
 27 information and belief to answer the allegations contained therein, and on that basis,  
 28 deny the allegations in paragraph 32.

1       33. Answering paragraph 33 of the Complaint, Defendants deny the  
2 allegations contained therein with respect to claim 9 of the '343 patent, and are  
3 without information sufficient to admit or deny the "at least" allegation of paragraph  
4 33 and on that basis, deny the "at least" allegation in paragraph 33.

5 34. Answering paragraph 34 of the Complaint, Defendants deny the  
6 allegations contained therein.

7       35. Answering paragraph 35 of the Complaint, Defendants deny the  
8 allegations contained therein.

## SECOND CLAIM FOR RELIEF

10 (Infringement of U.S. Patent No. 7,305,506 – Against Defendants Eforcity,  
11 Accstation, Itrimming, Everydaysource, and Crazyondigital)

12       36. Answering paragraph 36 of the Complaint, Defendants repeat and  
13 incorporate by reference their responses to paragraphs 1 through 30 of this  
14 Complaint.

15       37. Answering paragraph 37 of the Complaint, Defendants lack sufficient  
16 information and belief to answer the allegations contained therein, and on that basis,  
17 deny the allegations in paragraph 37.

18       38. Answering paragraph 38 of the Complaint, Defendants deny the  
19 allegations regarding the following products car chargers DAPPIPODCC07,  
20 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
21 DAPPIPODCC12; AV composite cables identified as CAPPIPODAT2,  
22 CAPPIPODAT4, and CAPPIPODAT5; docking cradles identified as  
23 DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables identified as  
24 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
25 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
26 DAPPIPODFM05, DOTHXXXXFM15, and DOTHXXXXFM21; chargers  
27 identified as CAPPIPHOPHC1; backup batteries identified as CAPPIPHOLI02 and  
28 CAPPIPHOLI06.

1 Defendants lack sufficient information to admit or deny the allegations with  
 2 regard to the following products: FM transmitters identified as DAPPIPODFM07,  
 3 DAPPIPODFM08, DOTHXXXXFM19, and DOTHXXXXFM22, speaker systems  
 4 identified as DAPPIPODSPK1.

5 Answering paragraph 38 of the Complaint, Defendants deny the allegations  
 6 contained therein with respect to claim 1 of the '506 patent, and are without  
 7 information sufficient to admit or deny the "at least" allegation of paragraph 38 and  
 8 on that basis, deny the "at least" allegation in paragraph 38.

9 Defendants deny the remaining allegations contained in paragraph 38 of the  
 10 complaint.

11 39. Answering paragraph 39 of the Complaint, Defendants deny the  
 12 allegations regarding the following products: car chargers DAPPIPODCC07,  
 13 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 14 DAPPIPODCC12; AV composite cables identified as CAPPPIODAT2,  
 15 CAPPPIODAT4, and CAPPPIODAT5; docking cradles identified as  
 16 DAPPIPODCR12 and CAPPPIPHOCRA2; retractable cables identified as  
 17 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 18 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 19 DAPPIPODFM05, DOTHXXXXFM15, and DOTHXXXXFM21; chargers  
 20 identified as CAPPPIPHOPHC1; backup batteries identified as CAPPPIPHOLI02 and  
 21 CAPPPIPHOLI06.

22 Defendants lack sufficient information to admit or deny the allegations with  
 23 regard to the following products: FM transmitters identified as DAPPIPODFM07,  
 24 DAPPIPODFM08, DOTHXXXXFM19, and DOTHXXXXFM22, speaker systems  
 25 identified as DAPPIPODSPK1.

26 Defendants deny the remaining allegations contained in paragraph 39 of the  
 27 complaint.

28 40. Answering paragraph 40 of the Complaint, Defendants deny the  
 4812-5919-7449.1 8 CV 10-03216 JF  
 DEFENDANTS EFORCITY CORPORATION, ACCSTATION INC. ITRIMMING INC. AND  
 EVERYDAY SOURCE INC.'S ANSWER TO COMPLAINT;  
 CASE NO. CV 10-03216 JF

1 allegations regarding the following products: car chargers DAPPIPODCC07,  
 2 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 3 DAPPIPODCC12; AV composite cables identified as CAPPIPODAT2,  
 4 CAPPIPODAT4, and CAPPIPODAT5; docking cradles identified as  
 5 DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables identified as  
 6 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 7 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 8 DAPPIPODFM05, DOTHXXXXFM15, and DOTHXXXXFM21; chargers  
 9 identified as CAPPIPHOPHC1; backup batteries identified as CAPPIPHOLI02 and  
 10 CAPPIPHOLI06.

11 Defendants lack sufficient information to admit or deny the allegations with  
 12 regard to the following products: FM transmitters identified as DAPPIPODFM07,  
 13 DAPPIPODFM08, DOTHXXXXFM19, and DOTHXXXXFM22, speaker systems  
 14 identified as DAPPIPODSPK1.

15 Defendants deny the remaining allegations contained in paragraph 40 of the  
 16 complaint.

17 **THIRD CLAIM FOR RELIEF**

18 (Infringement of U.S. Patent No. 7,587,540 – Against Defendants Eforcity,  
 19 Accstation, Itrimming, Everydaysource, and Crazyondigital)

20 41. Answering paragraph 41 of the Complaint, Defendants repeat and  
 21 incorporate by reference their responses to paragraphs 1 through 30 of this  
 22 Complaint.

23 42. Answering paragraph 42 of the Complaint, Defendants lack sufficient  
 24 information and belief to answer the allegations contained therein, and on that basis,  
 25 deny the allegations in paragraph 42.

26 43. Answering paragraph 43 of the Complaint, Defendants deny the  
 27 allegations regarding the following products: car chargers DAPPIPODCC07,  
 28 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 4812-5919-7449.1 9 CV 10-03216 JF

1 DAPPIPODCC12; AV composite cables identified as CAPPIPODAT2,  
 2 CAPPIPODAT4, and CAPPIPODAT5; docking cradles identified as  
 3 DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables identified as  
 4 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 5 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 6 DAPPIPODFM05, DAPPIPODFM08, DOTHXXXXFM15, and  
 7 DOTHXXXXFM21; chargers identified as CAPPIPHOPHC1; backup batteries  
 8 identified as CAPPIPHOLI02 and CAPPIPHOLI06, speaker systems identified as  
 9 DAPPIPODSPK1.

10 Defendants lack sufficient information to admit or deny the allegations with  
 11 regard to the following products: FM transmitters identified as DAPPIPODFM07,  
 12 DOTHXXXXFM19, and DOTHXXXXFM22.

13 Answering paragraph 43 of the Complaint, Defendants deny the allegations  
 14 contained therein with respect to claim 1 of the '540 patent, and are without  
 15 information sufficient to admit or deny the "at least" allegation of paragraph 43 and  
 16 on that basis, deny the "at least" allegation in paragraph 43.

17 Defendants deny the remaining allegations contained in paragraph 43 of the  
 18 complaint.

19 44. Answering paragraph 44 of the Complaint, Defendants deny the  
 20 allegations regarding the following products: car chargers DAPPIPODCC07,  
 21 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 22 DAPPIPODCC12; AV composite cables identified as CAPPIPODAT2,  
 23 CAPPIPODAT4, and CAPPIPODAT5; docking cradles identified as  
 24 DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables identified as  
 25 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 26 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 27 DAPPIPODFM05, DAPPIPODFM08, DOTHXXXXFM15, and  
 28 DOTHXXXXFM21; chargers identified as CAPPIPHOPHC1; backup batteries

1 identified as CAPPIPHOLI02 and CAPPIPHOLI06, speaker systems identified as  
 2 DAPPIODSPK1.

3 Defendants lack sufficient information to admit or deny the allegations with  
 4 regard to the following products: FM transmitters identified as DAPPIODFM07,  
 5 DOTHXXXXFM19, and DOTHXXXXFM22.

6 Defendants deny the remaining allegations contained in paragraph 44 of the  
 7 complaint.

8 45. Answering paragraph 45 of the Complaint, Defendants deny the  
 9 allegations regarding the following products: car chargers DAPPIODCC07,  
 10 DAPPIODCC08, DAPPIODCC09, DAPPIODCC10, DAPPIODCC12,  
 11 DAPPIODCC12; AV composite cables identified as CAPPIOPDAT2,  
 12 CAPPIOPDAT4, and CAPPIOPDAT5; docking cradles identified as  
 13 DAPPIOPDCR12 and CAPPIPHOCRA2; retractable cables identified as  
 14 DAPPIOPDDA15, and DAPPIOPDDAT3; cables identified as DAPPIOPDDAT2,  
 15 DAPPIOPDDAT4, and DAPPIOPDDA11; FM transmitters identified as  
 16 DAPPIODFM05, DAPPIODFM08, DOTHXXXXFM15, and  
 17 DOTHXXXXFM21; chargers identified as CAPPIPHOPHC1; backup batteries  
 18 identified as CAPPIPHOLI02 and CAPPIPHOLI06, speaker systems identified as  
 19 DAPPIODSPK1.

20 Defendants lack sufficient information to admit or deny the allegations with  
 21 regard to the following products: FM transmitters identified as DAPPIODFM07,  
 22 DOTHXXXXFM19, and DOTHXXXXFM22.

23 Defendants deny the remaining allegations contained in paragraph 45 of the  
 24 complaint.

25 **FOURTH CLAIM FOR RELIEF**

26 (Infringement of U.S. Patent 7,590,783 – Against Defendants Eforcity, Accstation,  
 27 Itrimming, Everydaysource, and Crazyondigital)

28 46. Answering paragraph 46 of the Complaint, Defendants repeat and

1 incorporate by reference their responses to paragraphs 1 through 30 of this  
 2 Complaint.

3       47. Answering paragraph 47 of the Complaint, Defendants lack sufficient  
 4 information and belief to answer the allegations contained therein, and on that basis,  
 5 deny the allegations in paragraph 47.

6       48. Answering paragraph 48 of the Complaint, Defendants deny the  
 7 allegations regarding the following products: car chargers DAPPIPODCC07,  
 8 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 9 DAPPIPODCC12; AV composite cables identified as CAPPPIODAT2,  
 10 CAPPPIODAT4, and CAPPPIODAT5; docking cradles identified as  
 11 DAPPIPODCR12 and CAPPPIPHOCRA2; retractable cables identified as  
 12 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 13 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 14 DAPPIPODFM05, DOTHXXXXFM15, and DOTHXXXXFM21; chargers  
 15 identified as CAPPPIPHOPHC1; backup batteries identified as CAPPPIPHOLI02 and  
 16 CAPPPIPHOLI06, speaker systems identified as DAPPIPODSPK1.

17       Defendants lack sufficient information to admit or deny the allegations with  
 18 regard to the following products: FM transmitters identified as DAPPIPODFM07,  
 19 DAPPIPODFM08, DOTHXXXXFM19, and DOTHXXXXFM22.

20       Answering paragraph 48 of the Complaint, Defendants deny the allegations  
 21 contained therein with respect to claim 1 of the '783 patent, and are without  
 22 information sufficient to admit or deny the "at least" allegation of paragraph 48 and  
 23 on that basis, deny the "at least" allegation in paragraph 48.

24       Defendants deny the remaining allegations contained in paragraph 48 of the  
 25 complaint.

26       49. Answering paragraph 49 of the Complaint, Defendants deny the  
 27 allegations regarding the following products: car chargers DAPPIPODCC07,  
 28 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 4812-5919-7449.1

1 DAPPIPODCC12; AV composite cables identified as CAPPPIODAT2,  
 2 CAPPPIODAT4, and CAPPPIODAT5; docking cradles identified as  
 3 DAPPIPODCR12 and CAPPPIPHOCRA2; retractable cables identified as  
 4 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 5 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 6 DAPPIPODFM05, DOTHXXXXFM15, and DOTHXXXXFM21; , chargers  
 7 identified as CAPPPIPHOPHC1; backup batteries identified as CAPPPIPHOLI02 and  
 8 CAPPPIPHOLI06, speaker systems identified as DAPPIPODSPK1.

9 Defendants lack sufficient information to admit or deny the allegations with  
 10 regard to the following products: FM transmitters identified as DAPPIPODFM07,  
 11 DAPPIPODFM08, DOTHXXXXFM19, and DOTHXXXXFM22.

12 Defendants deny the remaining allegations contained in paragraph 49 of the  
 13 complaint.

14 50. Answering paragraph 50 of the Complaint, Defendants deny the  
 15 allegations regarding the following products: car chargers DAPPIPODCC07,  
 16 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 17 DAPPIPODCC12; AV composite cables identified as CAPPPIODAT2,  
 18 CAPPPIODAT4, and CAPPPIODAT5; docking cradles identified as  
 19 DAPPIPODCR12 and CAPPPIPHOCRA2; retractable cables identified as  
 20 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 21 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 22 DAPPIPODFM05, DOTHXXXXFM15, and DOTHXXXXFM21; , chargers  
 23 identified as CAPPPIPHOPHC1; backup batteries identified as CAPPPIPHOLI02 and  
 24 CAPPPIPHOLI06, speaker systems identified as DAPPIPODSPK1

25 Defendants lack sufficient information to admit or deny the allegations with  
 26 regard to the following products: FM transmitters identified as DAPPIPODFM07,  
 27 DAPPIPODFM08, DOTHXXXXFM19, and DOTHXXXXFM22

28 Defendants deny the remaining allegations contained in paragraph 50 of the  
 4812-5919-7449.1 13 CV 10-03216 JF

1 complaint.

2 **FIFTH CLAIM FOR RELIEF**

3 (Infringement of U.S. Patent 7,529,870 – Against Defendants Eforcity, Accstation,  
4 Itrimming, Everydaysource, and Crazyondigital)

5 51. Answering paragraph 51 of the Complaint, Defendants repeat and  
6 incorporate by reference their responses to paragraphs 1 through 30 of this  
7 Complaint.

8 52. Answering paragraph 52 of the Complaint, Defendants lack sufficient  
9 information and belief to answer the allegations contained therein, and on that basis,  
10 deny the allegations in paragraph 52.

11 53. Answering paragraph 53 of the Complaint, Defendants lack sufficient  
12 information and belief to answer the allegations contained therein, and on that basis,  
13 deny the allegations in paragraph 53 with regard to the following products: car  
14 chargers DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09,  
15 DAPPIPODCC10, DAPPIPODCC12, DAPPIPODCC13; AV composite cables  
16 identified as CAPPPIPODAT2, CAPPPIPODAT4, and CAPPPIPODAT5; docking  
17 cradles identified as DAPPIPODCR12 and CAPPPIPHOCRA2; retractable cables  
18 identified as DAPPIPODDA15, and DAPPIPODDAT3; cables identified as  
19 DAPPIPODDAT2, DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters  
20 identified as DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08,  
21 DOTHXXXXFM15, DOTHXXXXFM19, DOTHXXXXFM21, and  
22 DOTHXXXXFM22; speaker systems identified as DAPPIPODSPK1, chargers  
23 identified as CAPPPIPHOPHC1; backup batteries identified as CAPPPIPHOLI02 and  
24 CAPPPIPHOLI06.

25 Answering paragraph 53 of the Complaint, Defendants deny the allegations  
26 contained therein with respect to claim 29 of the '870 patent, and are without  
27 information sufficient to admit or deny the "at least" allegation of paragraph 53 and  
28 on that basis, deny the "at least" allegation in paragraph 53.

1       Defendants deny the remaining allegations contained in paragraph 53 of the  
 2 complaint.

3       54. Answering paragraph 54 of the Complaint, Defendants lack sufficient  
 4 information and belief to answer the allegations contained therein, and on that basis,  
 5 deny the allegations in paragraph 54 with regard to the following products:

6       Car chargers DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09,  
 7 DAPPIPODCC10, DAPPIPODCC12, DAPPIPODCC13; AV composite cables  
 8 identified as CAPPPIODAT2, CAPPPIODAT4, and CAPPPIODAT5; docking  
 9 cradles identified as DAPPIPODCR12 and CAPPPIPHOCRA2; retractable cables  
 10 identified as DAPPIPODDA15, and DAPPIPODDAT3; cables identified as  
 11 DAPPIPODDAT2, DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters  
 12 identified as DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08,  
 13 DOTHXXXXFM15, DOTHXXXXFM19, DOTHXXXXFM21, and  
 14 DOTHXXXXFM22; speaker systems identified as DAPPIPODSPK1, chargers  
 15 identified as CAPPPIPHOPHC1; backup batteries identified as CAPPPIPHOLI02 and  
 16 CAPPPIPHOLI06.

17       Defendants deny the remaining allegations contained in paragraph 54 of the  
 18 complaint.

19       55. Answering paragraph 55 of the Complaint, Defendants lack sufficient  
 20 information and belief to answer the allegations contained therein, and on that basis,  
 21 deny the allegations in paragraph 55 with regard to the following products:

22       Car chargers DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09,  
 23 DAPPIPODCC10, DAPPIPODCC12, DAPPIPODCC13; AV composite cables  
 24 identified as CAPPPIODAT2, CAPPPIODAT4, and CAPPPIODAT5; docking  
 25 cradles identified as DAPPIPODCR12 and CAPPPIPHOCRA2; retractable cables  
 26 identified as DAPPIPODDA15, and DAPPIPODDAT3; cables identified as  
 27 DAPPIPODDAT2, DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters  
 28 identified as DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08,  
 4812-5919-7449.1

1 DOTHXXXXFM15, DOTHXXXXFM19, DOTHXXXXFM21, and  
 2 DOTHXXXXFM22; speaker systems identified as DAPPIPODSPK1, chargers  
 3 identified as CAPPIPHOPHC1; backup batteries identified as CAPPIPHOLI02 and  
 4 CAPPIPHOLI06.

5 Defendants deny the remaining allegations contained in paragraph 55 of the  
 6 complaint.

7 **SIXTH CLAIM FOR RELIEF**

8 (Infringement of U.S. Patent No. 7,529,872 – Against Defendants Eforcity,  
 9 Accstation, Itrimming and Everydaysource)

10 56. Answering paragraph 56 of the Complaint, Defendants repeat and  
 11 incorporate by reference their responses to paragraphs 1 through 30 of this  
 12 Complaint.

13 57. Answering paragraph 57 of the Complaint, Defendants lack sufficient  
 14 information and belief to answer the allegations contained therein, and on that basis,  
 15 deny the allegations in paragraph 57 with regard to the following products:

16 Car chargers DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09,  
 17 DAPPIPODCC10, DAPPIPODCC12, DAPPIPODCC13; AV composite cables  
 18 identified as CAPPIPODAT2, CAPPIPODAT4, and CAPPIPODAT5; docking  
 19 cradles identified as DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables  
 20 identified as DAPPIPODDA15, and DAPPIPODDAT3; cables identified as  
 21 DAPPIPODDAT2, DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters  
 22 identified as DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08,  
 23 DOTHXXXXFM15, DOTHXXXXFM19, DOTHXXXXFM21, and  
 24 DOTHXXXXFM22; speaker systems identified as DAPPIPODSPK1, chargers  
 25 identified as CAPPIPHOPHC1; backup batteries identified as CAPPIPHOLI02 and  
 26 CAPPIPHOLI06.

27 Defendants deny the remaining allegations contained in paragraph 57 of the  
 28 complaint.

4812-5919-7449.1

16

CV 10-03216 JF

DEFENDANTS EFORCITY CORPORATION, ACCSTATION INC. ITRIMMING INC. AND  
 EVERYDAYSOURCE INC.'S ANSWER TO COMPLAINT;  
 CASE NO. CV 10-03216 JF

1       58. Answering paragraph 58 of the Complaint, Defendants lack sufficient  
 2 information and belief to answer the allegations contained therein, and on that basis,  
 3 deny the allegations in paragraph 58 with regard to the following products:

4           Car chargers DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09,  
 5 DAPPIPODCC10, DAPPIPODCC12, DAPPIPODCC13; AV composite cables  
 6 identified as CAPPPODAT2, CAPPPODAT4, and CAPPPODAT5; docking  
 7 cradles identified as DAPPIPODCR12 and CAPPPIHOCRA2; retractable cables  
 8 identified as DAPPIPODDA15, and DAPPIPODDAT3; cables identified as  
 9 DAPPIPODDAT2, DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters  
 10 identified as DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08,  
 11 DOTHXXXXFM15, DOTHXXXXFM19, DOTHXXXXFM21, and  
 12 DOTHXXXXFM22; speaker systems identified as DAPPIPODSPK1, chargers  
 13 identified as CAPPPIHOPHC1; backup batteries identified as CAPPPIHOLI02 and  
 14 CAPPPIHOLI06.

15       Answering paragraph 58 of the Complaint, Defendants deny the allegations  
 16 contained therein with respect to claim 1 of the '872 patent, and are without  
 17 information sufficient to admit or deny the "at least" allegation of paragraph 58 and  
 18 on that basis, deny the "at least" allegation in paragraph 58.

19       Defendants deny the remaining allegations contained in paragraph 58 of the  
 20 complaint.

21       59. Answering paragraph 59 of the Complaint, Defendants lack sufficient  
 22 information and belief to answer the allegations contained therein, and on that basis,  
 23 deny the allegations in paragraph 59 with regard to the following products: car  
 24 chargers DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09,  
 25 DAPPIPODCC10, DAPPIPODCC12, DAPPIPODCC13; AV composite cables  
 26 identified as CAPPPODAT2, CAPPPODAT4, and CAPPPODAT5; docking  
 27 cradles identified as DAPPIPODCR12 and CAPPPIHOCRA2; retractable cables  
 28 identified as DAPPIPODDA15, and DAPPIPODDAT3; cables identified as  
 4812-5919-7449.1

1 DAPPIPODDAT2, DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters  
 2 identified as DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08,  
 3 DOTHXXXXFM15, DOTHXXXXFM19, DOTHXXXXFM21, and  
 4 DOTHXXXXFM22; speaker systems identified as DAPPIPODSPK1, chargers  
 5 identified as CAPPIPHOPHC1; backup batteries identified as CAPPIPHOLI02 and  
 6 CAPPIPHOLI06.

7 Defendants deny the remaining allegations contained in paragraph 59 of the  
 8 complaint.

9 60. Answering paragraph 60 of the Complaint, Defendants lack sufficient  
 10 information and belief to answer the allegations contained therein, and on that basis,  
 11 deny the allegations in paragraph 60 with regard to the following products: car  
 12 chargers DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09,  
 13 DAPPIPODCC10, DAPPIPODCC12, DAPPIPODCC13; AV composite cables  
 14 identified as CAPPIPODAT2, CAPPIPODAT4, and CAPPIPODAT5; docking  
 15 cradles identified as DAPPIPODCR12 and CAPPIPHOCRA2; retractable cables  
 16 identified as DAPPIPODDA15, and DAPPIPODDAT3; cables identified as  
 17 DAPPIPODDAT2, DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters  
 18 identified as DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08,  
 19 DOTHXXXXFM15, DOTHXXXXFM19, DOTHXXXXFM21, and  
 20 DOTHXXXXFM22; speaker systems identified as DAPPIPODSPK1, chargers  
 21 identified as CAPPIPHOPHC1; backup batteries identified as CAPPIPHOLI02 and  
 22 CAPPIPHOLI06.

23 Defendants deny the remaining allegations contained in paragraph 60 of the  
 24 complaint.

25 **SEVENTH CLAIM FOR RELIEF**

26 (Infringement of U.S. Patent No. 7,580,255 – Against Defendants Eforcity,  
 27 Accstation, Itrimming and Everydaysource)

28 61. Answering paragraph 61 of the Complaint, Defendants repeat and  
 4812-5919-7449.1

1 incorporate by reference their responses to paragraphs 1 through 30 of this  
 2 Complaint.

3       62. Answering paragraph 62 of the Complaint, Defendants lack sufficient  
 4 information and belief to answer the allegations contained therein, and on that basis,  
 5 deny the allegations in paragraph 62.

6       63. Answering paragraph 63 of the Complaint, Defendants deny the  
 7 allegations with regard to the following products as they do not relate to Claim 1  
 8 which is a plurality of inserts for a docking station: car chargers DAPPIPODCC07,  
 9 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 10 DAPPIPODCC13; AV composite cables identified as CAPPPIPODAT2,  
 11 CAPPPIPODAT4, and CAPPPIPODAT5; retractable cables identified as  
 12 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 13 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 14 DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08, DOTHXXXXFM15,  
 15 DOTHXXXXFM19, DOTHXXXXFM21, and DOTHXXXXFM22; speaker  
 16 systems identified as DAPPIPODSPK1, chargers identified as CAPPPIPHOPHC1;  
 17 backup batteries identified as CAPPPIPHOLI02 and CAPPPIPHOLI06. Further,  
 18 answer defendants deny the following docking cradles identified as  
 19 DAPPIPODCR12 and CAPPPIPHOCRA2 have plurality of inserts.

20       Answering paragraph 63 of the Complaint, Defendants deny the allegations  
 21 contained therein with respect to claim 1 of the '255 patent, and are without  
 22 information sufficient to admit or deny the "at least" allegation of paragraph 63 and  
 23 on that basis, deny the "at least" allegation in paragraph 63.

24       Defendants deny the remaining allegations contained in paragraph 63 of the  
 25 complaint.

26       64. Answering paragraph 64 of the Complaint, Defendants deny the  
 27 allegations with regard to the following products as they do not relate to Claim 1  
 28 which is a plurality of inserts for a docking station: car chargers DAPPIPODCC07,  
 4812-5919-7449.1

1 DAPPIPODCC08, DAPPIPODCC09, DAPPIPODCC10, DAPPIPODCC12,  
 2 DAPPIPODCC13; AV composite cables identified as CAPPIPODAT2,  
 3 CAPPIPODAT4, and CAPPIPODAT5; retractable cables identified as  
 4 DAPPIPODDA15, and DAPPIPODDAT3; cables identified as DAPPIPODDAT2,  
 5 DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters identified as  
 6 DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08, DOTHXXXXFM15,  
 7 DOTHXXXXFM19, DOTHXXXXFM21, and DOTHXXXXFM22; speaker  
 8 systems identified as DAPPIPODSPK1, chargers identified as CAPPIPHOPHC1;  
 9 backup batteries identified as CAPPIPHOLI02 and CAPPIPHOLI06. Further,  
 10 answer defendants deny the following docking cradles identified as  
 11 DAPPIPODCR12 and CAPPIPHOCRA2 have plurality of inserts.  
 12 Defendants deny the remaining allegations contained in paragraph 64 of the  
 13 complaint.

14       65. Answering paragraph 65 of the Complaint, Defendants deny the  
 15 allegations with regard to the following products as they do not relate to Claim 1  
 16 which is a plurality of inserts for a docking station:

17       Car chargers DAPPIPODCC07, DAPPIPODCC08, DAPPIPODCC09,  
 18 DAPPIPODCC10, DAPPIPODCC12, DAPPIPODCC13; AV composite cables  
 19 identified as CAPPIPODAT2, CAPPIPODAT4, and CAPPIPODAT5; retractable  
 20 cables identified as DAPPIPODDA15, and DAPPIPODDAT3; cables identified as  
 21 DAPPIPODDAT2, DAPPIPODDAT4, and DAPPIPODDA11; FM transmitters  
 22 identified as DAPPIPODFM05, DAPPIPODFM07, DAPPIPODFM08,  
 23 DOTHXXXXFM15, DOTHXXXXFM19, DOTHXXXXFM21; and  
 24 DOTHXXXXFM22; speaker systems identified as DAPPIPODSPK1, chargers  
 25 identified as CAPPIPHOPHC1; backup batteries identified as CAPPIPHOLI02 and  
 26 CAPPIPHOLI06. Further, answer defendants deny the following docking cradles  
 27 identified as DAPPIPODCR12 and CAPPIPHOCRA2 have plurality of inserts.

28       Defendants deny the remaining allegations contained in paragraph 65 of the  
 4812-5919-7449.1 20 CV 10-03216 JF  
 DEFENDANTS EFORCITY CORPORATION, ACCSTATION INC. ITRIMMING INC. AND  
 EVERYDAYSOURCE INC.'S ANSWER TO COMPLAINT;  
 CASE NO. CV 10-03216 JF

1 complaint.

2 **EIGHTH CLAIM FOR RELIEF**

3 (Infringement of U.S. Patent No. D588,545 – Against All Defendants)

4 66. Answering paragraph 66 of the Complaint, Defendants repeat and  
5 incorporate by reference their responses to paragraphs 1 through 30 of this  
6 Complaint.

7 67. Answering paragraph 67 of the Complaint, Defendants lack sufficient  
8 information and belief to answer the allegations contained therein, and on that basis,  
9 deny the allegations in paragraph 67.

10 68. Answering paragraph 68 of the Complaint, Defendants deny the  
11 allegations contained in paragraph 68 of the complaint.

12 69. Answering paragraph 69 of the Complaint, Defendants deny the  
13 allegations contained in paragraph 69 of the complaint.

14 70. Answering paragraph 70 of the Complaint, Defendants deny the  
15 allegations contained in paragraph 70 of the complaint.

16 **NINTH CLAIM FOR RELIEF**

17 (Infringement of U.S. Patent No. D596,621 – Against Defendants Eforcity,

18 Accstation, Itrimming, Everydaysource, and Crazyondigital)

19 71. Answering paragraph 71 of the Complaint, Defendants repeat and  
20 incorporate by reference their responses to paragraphs 1 through 30 of this  
21 Complaint.

22 72. Answering paragraph 72 of the Complaint, Defendants lack sufficient  
23 information and belief to answer the allegations contained therein, and on that basis,  
24 deny the allegations in paragraph 72.

25 73. Answering paragraph 73 of the Complaint, Defendants deny the  
26 allegations contained in paragraph 73 of the complaint.

27 74. Answering paragraph 74 of the Complaint, Defendants deny the  
28 allegations contained in paragraph 74 of the complaint.

1       75. Answering paragraph 75 of the Complaint, Defendants deny the  
2 allegations contained in paragraph 75 of the complaint.

## **TENTH CLAIM FOR RELIEF**

(Infringement of U.S. Patent No. D578,110 – Against Defendants Eforcity, Accstation, Itrimming, Everydaysource, and Crazyondigital)

6       76. Answering paragraph 76 of the Complaint, Defendants repeat and  
7 incorporate by reference their responses to paragraphs 1 through 30 of this  
8 Complaint.

9       77. Answering paragraph 77 of the Complaint, Defendants lack sufficient  
10 information and belief to answer the allegations contained therein, and on that basis,  
11 deny the allegations in paragraph 77.

12        78. Answering paragraph 78 of the Complaint, Defendants deny the  
13 allegations contained in paragraph 78 of the complaint.

14 79. Answering paragraph 79 of the Complaint, Defendants deny the  
15 allegations contained in paragraph 79 of the complaint.

16 80. Answering paragraph 80 of the Complaint, Defendants deny the  
17 allegations contained in paragraph 80 of the complaint.

## **ELEVENTH CLAIM FOR RELIEF**

(Trademark Infringement – Against Defendants Eforcity, Accstation, Everydaysource, and United Integral)

21       81. Answering paragraph 81 of the Complaint, Defendants repeat and  
22 incorporate by reference their responses to paragraphs 1 through 30 of this  
23 Complaint.

24       82. Answering paragraph 82 of the Complaint, Defendants lack sufficient  
25 information and belief to answer the allegations contained therein, and on that basis,  
26 deny the allegations in paragraph 82.

27       83. Answering paragraph 83 of the Complaint, Defendants deny the  
28 allegations contained therein.

84. Answering paragraph 84 of the Complaint, Defendants deny the allegations contained therein.

85. Answering paragraph 85 of the Complaint, Defendants deny the allegations contained therein.

86. Answering paragraph 86 of the Complaint, Defendants deny the allegations contained therein.

## **TWELFTH CLAIM FOR RELIEF**

## (Unfair Competition Under Federal Law – Against Defendants Eforcity, Accstation, Itrimming, Everydaysource, and United Integral)

10        87. Answering paragraph 87 of the Complaint, Defendants repeat and  
11 incorporate by reference their responses to paragraphs 1 through 30 of this  
12 Complaint.

13       88. Answering paragraph 88 of the Complaint, Defendants deny the  
14 allegations contained therein.

15        89. Answering paragraph 89 of the Complaint, Defendants deny the  
16 allegations contained therein.

17        90. Answering paragraph 90 of the Complaint, Defendants deny the  
18 allegations contained therein.

## RESPONSE TO PRAYER FOR RELIEF

20 91. Defendants deny that Plaintiff is entitled to any of the relief it seeks in  
21 the Prayer for Relief.

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## AFFIRMATIVE DEFENSES

## **FIRST AFFIRMATIVE DEFENSE**

### **(Noninfringement of the Asserted Patent Claims)**

92. Defendants have not infringed, are not infringing, and will not infringe any valid and enforceable claim of the Apple Patents asserted in the Complaint.

# SECOND AFFIRMATIVE DEFENSE

## **(Patent Invalidity)**

9        93. The following patents are invalid due to Plaintiff's failure to comply with  
10 one or more of the provisions of the Patent Act, 35 U.S.C. § 101 et seq., including, but  
11 not limited to, for example, the respective provisions of 35 U.S.C. §§ 102, 103, and/or  
12 112: claim 9 of US Patent 7,627,343; US Patents D588,545; D596,621; and D578,110.

### THIRD AFFIRMATIVE DEFENSE

### (Laches)

15 94. Plaintiff is barred from asserting the infringement claim set forth in  
16 the Complaint under the equitable doctrines of laches, unclean hands, judicial estoppel  
17 and equitable estoppel.

#### **FOURTH AFFIRMATIVE DEFENSE**

### **(Unclean Hands)**

20 95. Plaintiff comes to this court with unclean hands and is therefore barred  
21 from recovery on each claim for relief in the Complaint.

## **FIFTH AFFIRMATIVE DEFENSE**

### (Fair Use)

24 96. Any use Defendant may have made of any intellectual property,  
25 including but not limited to trademarks and copyrights that allegedly may have  
26 belonged to Plaintiff, was a fair use, thereby barring Plaintiff from recovery thereon.

## **SIXTH AFFIRMATIVE DEFENSE**

### **(Unjust Enrichment)**

97. Plaintiff's claims are barred, in whole or in part, to the extent that any recovery by plaintiff would constitute unjust enrichment.

## **SEVENTH AFFIRMATIVE DEFENSE**

98. Defendants reserve the right to assert additional affirmative defenses in the event that additional defenses become apparent during the course of the litigation.

DATED: April 25, 2011

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Jon E. Hokanson

Jon E. Hokanson

*Attorneys for Defendants* EFORCITY CORPORATION, ACCSTATION INC., ITRIMMING INC. AND EVERYDAYSOURCE INC.

**FEDERAL COURT PROOF OF SERVICE**

*Apple Inc. v. Eforcity Corporation, et al.*

U.S. District Court, Northern District of CA, San Jose Division  
Case No. CV 10-03216 JF

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On April 25, 2011, I served the following document(s):

DEFENDANTS EFORCITY CORPORATION, ACCSTATION INC.  
ITRIMMING INC. AND EVERYDAYSOURCE INC.'S  
ANSWER TO COMPLAINT

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

|   |  |
|---|--|
| <p>Theodore T. Herhold, Esq.<br/>Andrew T. Oliver, Esq.<br/>Robert D. Tadlock, Esq.<br/>Kilpatrick Townsend &amp; Stockton LLP<br/>379 Lytton Avenue<br/>Palo Alto, CA 94301</p> <p>Telephone: (650) 326-2400<br/>Facsimile: (650) 326-2422<br/>Email: <a href="mailto:ttherhold@townsend.com">ttherhold@townsend.com</a><br/>Email: <a href="mailto:atoliver@townsend.com">atoliver@townsend.com</a><br/>Email: <a href="mailto:rdtadlock@townsend.com">rdtadlock@townsend.com</a></p> | <p>Attorneys for Plaintiff<br/>APPLE, INC.</p> |
|---|--|

The documents were served by the following means:

(BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on April 25, 2011, at San Francisco, California.

MAUREEN LIU